

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v

Case No. 11-CR-20523
HON. MARK A. GOLDSMITH

MALCOLM EVANS,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION,
ACCEPTING DEFENDANT'S PLEA OF GUILTY AND
TAKING THE RULE 11 PLEA AGREEMENT UNDER ADVISEMENT

A plea hearing was conducted in this case before United States Magistrate Judge Michael J. Hluchaniuk pursuant to the defendant's consent. Judge Hluchaniuk issued a report, recommending acceptance of defendant's guilty plea. Either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report...to which objection is made." *Id.* Where, as here, neither party objects to this report, the district court is not obligated to independently review the record. *Thomas v Arn*, 474 U.S. 140, 149-52 (1985). This Court has received the

report and finds its conclusions and Judge Hluchaniuk's recommendation to be reasonable.

Accordingly, it is ORDERED that Judge Hluchaniuk's Report and Recommendation [DE #18] is ADOPTED.

It is further ORDERED that the defendant's guilty plea is ACCEPTED, and the Rule 11 Plea Agreement [DE #17] is TAKEN UNDER ADVISEMENT.

Dated: November 2, 2011
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 2, 2011.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager